



# Shire of Peppermint Grove

## **INFORMATION STATEMENT**

**Reviewed July 2014**

Published in accordance with the the Freedom of Information Act 1992.  
An updated Information Statement will be published at least every 12 months.

## Contents

---

|           |  |           |
|-----------|--|-----------|
| <b>1.</b> | <b>Structure of the Shire</b> .....                  | <b>1</b>  |
|           | 1.1 Council .....                                    | 1         |
|           | 1.2 Committees and Consultative Groups .....         | 1         |
|           | 1.3 Delegated Authority.....                         | 1         |
|           | 1.4 Shire Administration .....                       | 1         |
|           | 1.5 Organisational Structure .....                   | 2         |
| <b>2.</b> | <b>Functions of the Shire</b> .....                  | <b>3</b>  |
| <b>3.</b> | <b>Impact of Shire Functions on the Public</b> ..... | <b>5</b>  |
| <b>4.</b> | <b>Public Participation</b> .....                    | <b>5</b>  |
| <b>5.</b> | <b>Documents held by the Shire</b> .....             | <b>7</b>  |
|           | 5.1 Current Records.....                             | 7         |
|           | 5.2 Inactive Records .....                           | 7         |
|           | 5.3 Property Records.....                            | 7         |
| <b>6.</b> | <b>Access to Shire Documents</b> .....               | <b>7</b>  |
|           | 6.1 Documents Available for Inspection .....         | 8         |
|           | 6.2 The Grove Library.....                           | 8         |
|           | 6.3 State Archives .....                             | 9         |
| <b>7.</b> | <b>Freedom of Information Requests</b> .....         | <b>9</b>  |
|           | 7.1 Access to Other Documents.....                   | 9         |
|           | 7.2 Lodging an FOI Application .....                 | 9         |
|           | 7.3 Notice of Decision.....                          | 10        |
|           | 7.4 Forms of Access.....                             | 10        |
|           | 7.5 Review Process .....                             | 10        |
| <b>8.</b> | <b>Amendment of Personal Information</b> .....       | <b>10</b> |
| <b>9.</b> | <b>Fees and Charges</b> .....                        | <b>10</b> |

## **1. Structure of the Shire**

---

The Shire of Peppermint Grove is a body corporate constituted under section 2.5 of the Local Government Act 1995. The overall decision-making body of the Shire is the Council. The day-to-day running of the Shire is the responsibility of the Chief Executive Officer (CEO), who along with the Senior Management Team and staff, implements the Council's decisions.

### **1.1 Council**

The Shire of Peppermint Grove's Council consists of seven Councillors including the Shire President. In accordance with the Local Government Act 1995, Councillors are elected for a four year term. A biennial election cycle means that three or four Council positions are available for re-election every two years. The President of the Council (the Shire President) is elected by the Councillors at the first meeting following the biennial elections. Extraordinary elections are held to fill any vacancies which may have occurred during the year.

### **1.2 Committees and Consultative Groups**

Elected Members represent Council on a range of Boards and committees. Advisory committees and consultative groups, that may also include staff and the public, are established from time to time to investigate particular issues and report to Council. Currently these include:

- WA Local Government Association Central Metropolitan Zone
- Cottesloe-Peppermint Grove-Mosman Park Combined Library Management Committee
- Western Metropolitan Regional Council (WMRC)
- Shine Community Care
- Swan River Trust
- Western Suburbs Regional Organisation of Councils (WESROC)
- Western Central Local Emergency Management Committee
- Development Assessment Panel (DAP)
- Audit Committee

### **1.3 Delegated Authority**

The Chief Executive Officer has the delegated authority from Council to make decisions on a number of specified administrative and policy matters. These delegations are listed in Council's Delegation Register.

In keeping with legislative requirements, Council:

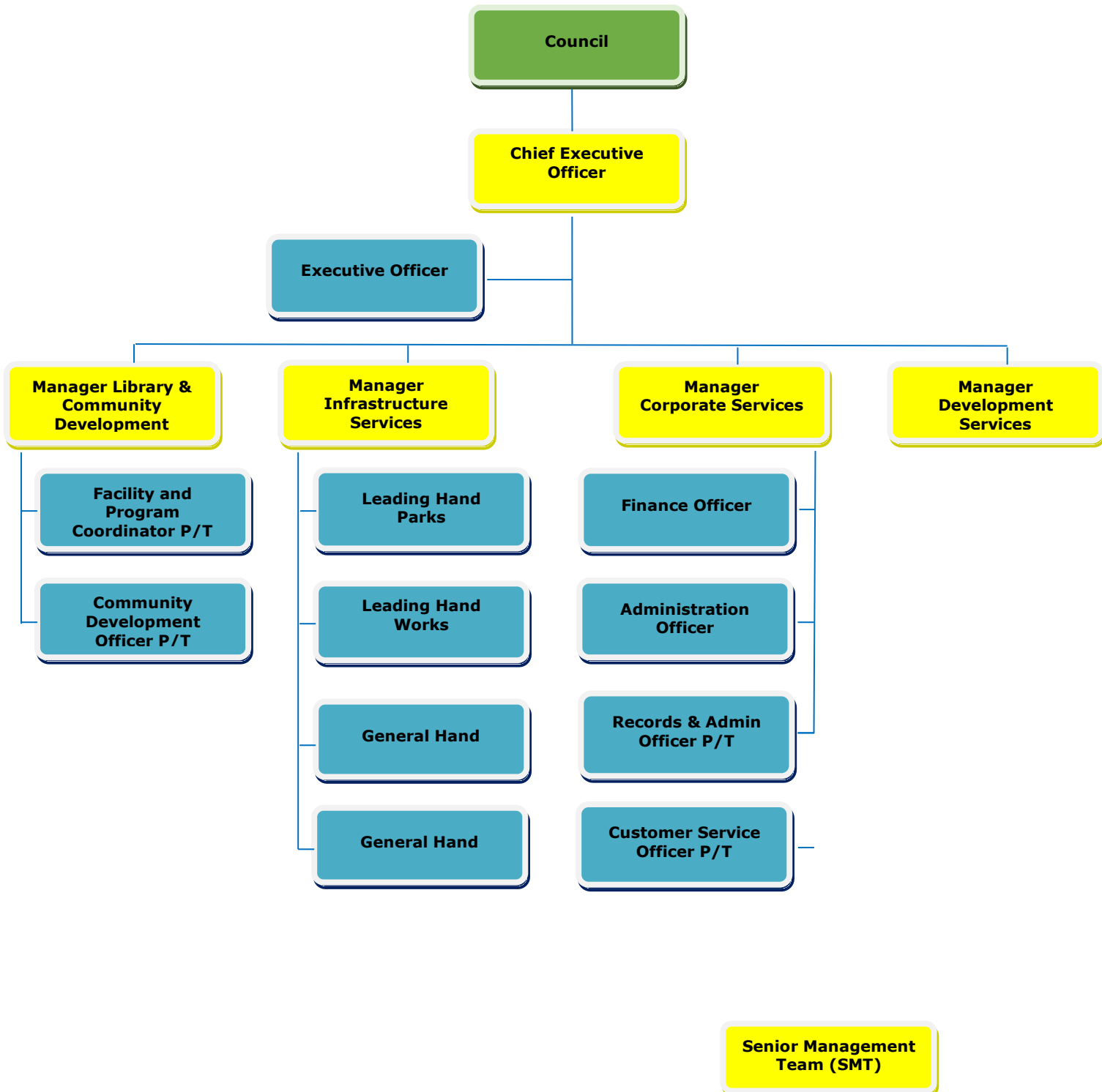
- Determines policies to be applied by Council in exercising its discretionary powers;
- Determines the type, range and scope of projects to be undertaken by Council;
- Develops comprehensive management plans, budgets, financial controls, performance objectives and indicators for the operations of the Shire.

The Council makes decisions which direct and/or determine its activities and functions. Such decisions include the approval of works and services to be undertaken, and the allocation of resources to works and services. Decisions are also made to determine whether or not approval is to be granted for applications for residential or commercial development.

### **1.4 Shire Administration**

The Shire is managed by a Chief Executive Officer (CEO) whose role is to carry the ultimate responsibility for the efficient and effective utilisation of the Shire's resources in the achievement of Council's objectives. In this, the CEO is supported by a Senior Management Team and other Shire staff, a total of 22.8 FTE staff. The Shire's organisational structure is shown below.

1.5 Organisational Structure



## 2. Functions of the Shire

---

Under the Local Government Act 1995, the Shire has three broad functions: general, legislative and executive.

- **General Functions**

Under Section 3.1 of the Local Government Act 1995, the general function of a local government is to provide for the good government of people living and working within its district.

- **Legislative Functions**

Under Section 3.5 of the Local Government Act 1995, a local government may make laws that are necessary or convenient for it to perform any of its functions.

- **Executive Functions**

Under Section 3.18 of the Local Government Act 1995, a local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions.

Within this broad framework, the Shire has a range of specific functions as outlined below.

**Community Relations:** Establishing rapport with the community and raising and advancing the Council's public image and its relationships with outside bodies, including the media and the public.

**Community Services:** Providing, operating or contracting services to assist local residents and the community.

**Corporate Management:** Applying broad systematic planning to define the Shire's corporate mission and determine methods of operation.

**Council Properties:** Acquiring, constructing, designing, developing, disposing and maintaining facilities and premises owned, leased or otherwise occupied by the Shire.

**Customer Service:** Planning, monitoring and evaluating services provided to customers by the council.

**Development and Building Controls:** Regulating and approving building and development applications for specific properties, buildings, fences, signs, antennae and so forth covered by the Building Code of Australia and the Environment Protection Authority (EPA).

**Economic Development:** Improving the local economy through encouragement of industry, employment, tourism, regional development and trade.

**Emergency Services:** Preventing loss and minimising threats to life, property and the natural environment, from fire and other emergency situations.

**Environmental Management:** Managing, conserving and planning of air, soil and water qualities, and environmentally sensitive areas such as remnant bushlands and threatened species.

**Financial Management:** Managing the Shire's financial resources.

**Governance:** Managing the election of Council representatives, the boundaries of the Shire and the terms and conditions for Elected Members.

**Government Relations:** Managing the relationship between the Council and other governments, particularly on issues which are not related to normal Council business such as Land Use and Planning or Environmental Management.

**Grants and Subsidies:** Managing financial payments to the Shire from the State and Federal Governments and other agencies for specific purposes.

**Information Management:** Managing the Shire's information resources, including the storage, retrieval, archives, processing and communications of all information in any format.

**Information Technology:** Acquiring and managing communications and information technology and databases to support the business operations of the Shire.

**Land Use and Planning:** Establishing a medium to long term policy framework for the management of the natural and built environments.

**Laws and Enforcement:** Regulating, notifying, prosecuting, and applying penalties in relation to the Shire's regulatory role.

**Legal Services:** Providing legal services to the Shire.

**Parks and Reserves:** Acquiring, managing, designing and constructing parks and reserves, either owned or controlled and managed by Council

**Personnel:** Managing the conditions of employment and administration of personnel at the Shire including consultants and volunteers.

**Plant, Equipment and Stores:** Managing the purchase, hire or leasing of all plant and vehicles, and other equipment. Includes the management of the Shire's stores.

**Public Health:** Managing, monitoring and regulating activities to protect and improve public health under the terms of the Public Health Act, health codes, standards and regulations.

**Rates and Valuations:** Managing, regulating, setting and collecting income through the valuation of rateable land and other charges.

**Recreation and Cultural Services:** Arranging, promoting or encouraging programs and events in visual arts, craft, music, performing arts, sports and recreation, cultural activities and services.

**Risk Management:** Managing and reducing the risk of loss of Shire properties and equipment and risk to personnel.

**Roads:** Providing road construction and maintenance of roads and associated street services to property owners within the Shire area.

**Traffic and Transport:** Planning for transport infrastructure and the efficient movement and parking of traffic. Encompasses all services/facilities above the road surface and includes all forms of public transport.

**Waste Management:** Providing services by the Shire to ratepayers for the removal of solid waste, destruction and waste reduction.

### **3. Impact of Shire Functions on the Public**

---

As seen from the extensive list above, the wide-ranging responsibilities and activities of local government mean that the functions and decisions of Council impact directly on the everyday lives of its residents in a variety of ways. Shire functions contribute significantly to the look and feel of the Shire, the level and nature of services provided to the local community, and the degree of amenity maintained in the Shire. For example:

- Council decisions directly affect the built structure and fabric of the community, and contribute to the aesthetic appeal of the streetscape lived in by the public;
- Council controls in relation to planning matters enable Council to be responsible for protecting the Shire's natural environment and heritage for the benefit of the public;
- Council makes decisions on the provision and maintenance of infrastructure and facilities used by the public such as roads, paths, drainage, and parks;
- Council provides community services used by the public such as libraries, recreation and leisure facilities, welfare services, and cultural services;
- Council functions impact on the health and safety of the public through, for example, the management of waste collection and disposal, Ranger services, community safety initiatives, and environmental health controls;
- Council provides a range of library events and community events in which the public participates such as Australia Day, citizenship ceremonies, and Carols by Candlelight;
- Council plays a role in the education of the public through the provision of a community centre for educational and learning activities, and the provision of library facilities, events and workshops around, for example, sustainability and the use of information technology.

### **4. Public Participation**

---

There are a number of avenues available to the public to participate in the formulation of the shire's policy and performance of its functions.

#### **Council Elections**

Council elections are held biennially giving community members the opportunity on a regular basis to select and vote for Councillors that represent their views and interests.

#### **Council Meetings**

Council meetings are open to members of the public and media. Ordinary Council meetings are held on the fourth Tuesday of every month (except the month of January when Council is in recess), and commence at 5.30pm. The main business of this meeting is to consider and make resolutions on all matters presented to Council. Special Council meetings are also held on occasion to address specific issues. These are also open to the public. The public are only excluded from Council meetings or particular agenda items when specifically excluded by resolution.

**Deputations**

During the Council meeting, a member of the public can address Council personally or on behalf of a resident or group of residents. This is called a *deputation* and may relate to an item on the Council meeting agenda, or another matter concerning the affairs of the Shire.

**Public Question Time**

A period of time is set aside during Ordinary Council Meetings during which members of the public may ask questions of Council with or without prior notice. This affords members of the public the opportunity to ask Elected Members and staff about Shire matters.

**Petitions**

Written petitions from members of the public can be addressed to Council through an Elected Member on any issue within the Council's jurisdiction.

**Council Agenda Briefing Forums**

Members of the public are able to attend the Council's Agenda Briefing Forum which takes place on the second Tuesday of the month.

**Annual General Meeting of Electors**

The Local Government Act 1995 requires Council to hold a General Meeting of Electors once a year. This is held annually in February. The purpose of this meeting is to present and discuss the Shire's Annual Report for the previous financial year, and any other general business.

**Written Requests**

A member of the public can write to the Council on any Council policy, activity, function or service of the Council.

**Discussion**

Members of the public can contact their Elected Members of Council to discuss any issue relevant to Council.

**Notifications/Advertising**

Members of the public may be notified of community issues through advertising in the local newspaper, written notification, or by the placing of on-site signs. These notifications give members of the public the opportunity to write to Council expressing their views.

**Input to Development Applications**

While a number of Development Applications are exempt from public notifications by the Planning Act, residents are notified of some Development Applications requiring the approval of Council. In such cases, the Shire sends letters to adjoining or affected residents inviting them to express their views regarding the proposed application, and to inspect plans for the proposed development at the Shire office during normal opening hours. When comments on applications are invited, residents have the opportunity to write to Council expressing their views, or to personally address Council in a Deputation (see above) before a decision is made.

**Community Consultation on Specific Issues**

The Shire consults with local residents on particular issues that affect their neighbourhood in a number of ways. The Shire writes to residents on matters of general importance and concern, seeks input from residents on significant issues to assist Council in its decision-making, and provides feedback to residents following consultative processes. Various community information letters and documents are circulated to residents on a regular basis to facilitate



community awareness and engagement. These include a quarterly *Peptalk* newsletter, and an annual Recycling calendar.

## **5. Documents held by the Shire**

---

Broadly speaking, the Shire holds a range of documents within its records management system. These documents are essentially records generated by the Council, Shire staff and correspondents during the conduct of Shire business. These records may be current or they may be inactive, indicating that they relate to past business.

### **5.1 Current Records**

Current and recent documents are held as hard copy records in the Shire's Records Room and/or as soft copy records in the Shire's electronic document and records management system (EDRMS). These records are maintained, indexed and retrieved according to a records filing system known as *Keywords for Councils* which is based on the local government functions outlined earlier. In addition, hard copy Council Minutes Books since 2010 are kept in the Records Room for ease of access, as are the Shire's hard copy Rate Books.

### **5.2 Inactive Records**

Inactive records are similarly held in both hard and soft copy formats in the Shire's Records Room and/or in the electronic document and records management system, but also offsite at a storage facility. These older records were stored and maintained according to a subject-based index rather than by local government function. Records that are stored offsite can be returned to the Shire office within a very short space of time if required, either on the same day or the following day. This includes the majority of the Shire's Council Minutes Books which remain in hard copy format and are stored offsite in a protected vault to maximise their long term preservation.

Registers of all records files, current and inactive, are maintained which detail the contents and location of records files. All records files are subject to disposal in accordance with the *General Disposal Authority for Local Government Records (GDALGR)*.

### **5.3 Property Records**

In addition to the records filing system, an additional range of documents is maintained within a Property Filing System located in the Shire's Records Room. A Property File is held for each property within the Shire and includes documents relating to building and development applications undertaken at that property.

## **6. Access to Shire Documents**

---

Availability of Shire information is subject to provisions established in legislation such as the Freedom of Information (FOI) Act 1992 and the Local Government Act 1995, and may be free, or subject to fees and charges. Where possible, the Shire will seek to provide access to information upon request except where there are exemptions under legislation such as the Privacy Act 1998 or FOI Act 1992.

Within the range of business records held by the Shire are a number of corporate documents that fall outside of the FOI Act 1992 that are available to the public for inspection.

## 6.1 Documents Available for Inspection

### Council Meeting Agendas

Council meeting agendas are available at the Shire Administration Office, the Grove library and on the Shire's website at [www.peppermintgrove.wa.gov.au](http://www.peppermintgrove.wa.gov.au) no less than 72 hours prior to the meetings.

### Council Meeting Minutes

Council meeting minutes are placed on display in accordance with the provisions of the Local Government Act 1995 and are available on the Shire's website. In addition, the website includes an archive for Council and (former) Committee meeting minutes dating back to 2008.

The following documents are available for public inspection at the Shire Administration Office free of charge, and most can be downloaded from the Shire's website. Members of the public may purchase copies of these documents and the charges will be in accordance with the principles of Section 5.96 of the Local Government Act 1995, and the fees prescribed in the annual budget. It should be noted that some documents are for viewing only and cannot be copied as this would breach the Copyright Act or homeowners' privacy and security.

- Policy Manual
- Code of Conduct
- Annual Budgets
- Annual Financial Statements
- Annual Reports
- Strategic Community Plan
- Community Engagement Plan
- Corporate Business Plan
- Disability Access and Inclusion Plan
- Local Laws
- Planning/Building Approval Statistics
- Rate Books
- Electoral Roll
- Owners & Occupiers Roll
- Town Planning Scheme No. 3 - Scheme Text and Amendments (maps)
- Building Plans (provided the property owner's approval has been obtained)
- Municipal Heritage Inventory
- Information Statement
- Media Releases
- Registers (Delegated Authority, Financial Interests, Gifts, Tenders)
- Documents released for public comment

## 6.2 The Grove Library

The Grove library located at 1 Leake Street is jointly funded by the Town of Cottesloe, Town of Mosman Park and the Shire of Peppermint Grove, and is a member of the Western Suburbs Regional Library Network. Opening hours are 9am–6pm Monday to Friday (8pm on Thursday), 9am–4pm Saturday, and 12pm–4pm Sunday. Through the library, an extensive range of information and publications is available to the public in a variety of formats, including a Community History collection that provides information about local people, places and events.

### 6.3 State Archives

An additional collection of documents relating to the Shire can be accessed through State Archives. This includes some Road Board Minutes Books and Rate Books, and historical documents that can be searched for in State Archive's online catalogue.

Access to Shire documents other than those listed above must be via a Freedom of Information request.

## 7. Freedom of Information Requests

---

### 7.1 Access to Other Documents

Requests for non-personal information not shown above will be considered in accordance with the FOI Act 1992 which provides applicants with the right to apply for access to documents held by the Shire of Peppermint Grove.

While the Act provides a general right of access to documents, it also recognises that some documents require a level of protection. These include:

- Personal information about other individuals;
- Commercially valuable information or information concerning trade secrets;
- Legal advice;
- Information that would reveal a decision made during a deliberative process closed to the public.

The Shire aims to make information available promptly and will provide documents outside the FOI process whenever possible.

### 7.2 Lodging an FOI Application

Applications for access to the Shire of Peppermint Grove's records must be made in writing. A *Freedom of Information Application Form* is available from the Shire for this purpose and can be downloaded from the Shire's website. While the use of this form is optional, when submitting an FOI request, please note that:

- Your application must be in writing;
- You must provide sufficient information to enable the requested documents to be identified;
- You must provide an address in Australia where notices can be sent;
- The Shire may request proof of your identity;
- An application fee of \$30.00 is payable for non-personal information.

FOI requests should be addressed to the FOI Coordinator and lodged as follows:

**By Email, fax or post, to:**

Shire of Peppermint Grove  
PO Box 221  
COTTESLOE WA 6911

Fax no.: 9286 8610

Email: [admin@peppermintgrove.wa.gov.au](mailto:admin@peppermintgrove.wa.gov.au)

**In person at:**

Shire of Peppermint Grove  
1 Leake Street  
PEPPERMINT GROVE WA 6011

### **7.3 Notice of Decision**

A *Notice of Decision* will be issued to you by the Shire as soon as practicable, and at the most, within 45 days of receipt of the application, in keeping with the requirements of the FOI Act 1992. The *Notice of Decision* will include details such as:

- The date the decision was made;
- The name and designation of the officer who made the decision;
- The reasons why a document is considered exempt or access is given to an edited document;
- Information on the rights of review and the procedures to follow to exercise those rights.

In the case of an extensive or complex FOI request, an extension to the 45 day time limit may be negotiated with the applicant.

### **7.4 Forms of Access**

Access to documents can be by way of:

- Inspection;
- A copy of a document;
- A copy of an audio or video recording, or computer disk;
- A transcript of a recorded document or of words recorded in shorthand or encoded form, or a written document in the case of a document from which words can be reproduced in written form.

Where access to documents by way of inspection is requested, it is a condition of the Shire to provide supervision by staff and a fee will be charged (see the Fees and Charges schedule). Where the Shire is unable to grant access in the form requested, access may be given in a different form.

### **7.5 Review Process**

Applicants who are dissatisfied with the Shire's decision are entitled to ask for an *Internal Review*. Applications must be in writing and lodged with the Shire within 30 days of receiving the Notice of Decision. Applicants will be notified of the outcome of the review within 15 days. If applicants disagree with the result they can apply to the Information Commissioner for an *External Review*. Applicants will be advised of the procedure to request an external review when the internal review decision is issued.

## **8. Amendment of Personal Information**

---

Under the FOI Act 1992, an individual has the right to seek to amend personal information held about them by the Shire if they feel that what is held is inaccurate, incomplete, out-of-date or misleading. To this end, a member of the public can make a Freedom of Information request to correct or amend documents containing information about them. An application to view and amend personal information must be made in writing and follow the procedure outlined above in *7.2 Lodging an FOI request*.

## **9. Fees and Charges**

---

The following fees and charges are set in accordance with the FOI Act 1992. There are no fees or charges for accessing and amending your personal information. Applications for other documents

require a \$30.00 application fee to be paid when the application is lodged. The Shire may also raise the following additional charges:

|  |             |
|--|-------------|
| Staff time spent dealing with the application such as supervised access, photocopying, transcribing information from tape, film or computer (per hour or pro rata for part of an hour) | \$30.00     |
| Photocopying per copy  | 20 cents    |
| Duplicating a tape, film, or computer information  | Actual cost |
| Delivery, packaging and postage  | Actual cost |

The Shire will contact you if the estimated charges exceed \$25.00 and check that you wish to proceed with the request.

For financially disadvantaged applicants or those issued with prescribed pensioner concession cards, the charges payable are reduced by 25%.

Further information about Freedom of Information can be obtained from the Office of the Information Commissioner, and the FOI Act downloaded for free from the Office of the Information Commissioner website at [www.foi.wa.gov.au](http://www.foi.wa.gov.au)